

Message Text

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ORIGIN H-02

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TO AMEMBASSY PANAMA FLASH

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FOR AMBLER MOSS FROM BENNET

E.O. 11652: N/A

TAGS: PFOR, PAN

SUBJECT: DECONCINI SPEECH RE TREATIES

FOLLOWING ARE EXTENSIVE EXCERPTS OF DECONCINI'S FLOOR
SPEECH. NOTE THAT THE INTERVENTION REFERENCE IN PARA 4 IS
NOT CARRIED TO A LOGICAL CONCLUSION, WHICH HELPS SOMEWHAT
IN TERMS OF THE LEGISLATIVE HISTORY. READ IN CONJUNCTION
WITH PARA 9, THIS MAY BE CONSTRUED TO PRECLUDE INTERVENTION
IN THE SOVEREIGN AFFAIRS OF PANAMA. TEXT FOLLOWS:

1. ...I WOULD LIKE TO STRESS THAT I AM OFFERING THIS AMEND-
MENT IN THE NAME OF THE PEOPLE OF ARIZONA. LIKE SENATOR
FORD, I TOO HAVE CROSSED MY STATE AND SPOKEN PERSONALLY TO
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HUNDREDS, PERHAPS THOUSANDS, OF CONCERNED CITIZENS. AS A
WHOLE, MY CONSTITUENTS DO NOT APPROVE OF THE PANAMA CANAL
TREATIES. HOWEVER, THEY ARE WILLING TO ACCEPT THEIR NEC-
CESSITY IF AMERICAN RIGHTS TO INSURE OPEN AND FREE ACCESS TO
THE CANAL ARE CLEARLY SPELLED OUT. THAT IS
ALL MY AMENDMENT INTENDS--BUT THAT MUCH AT LEAST IS ESSENTIAL

....

2. THE PURPOSE OF THIS AMENDMENT IS QUITE SIMPLE, MR. PRESIDENT. IT IS DESIGNED TO ESTABLISH A PRECONDITION TO

AMERICAN ACCEPTANCE OF THE NEUTRALITY TREATY. THAT PRE-CONDITION STATES THAT REGARDLESS OF THE REASON AND REGARDLESS OF WHAT ANY OTHER PROVISION OF THE NEUTRALITY TREATY MIGHT SAY OR WHAT INTERPRETATION IT MIGHT BE SUBJECT TO, IF THE PANAMA CANAL IS CLOSED, THE UNITED STATES HAS THE RIGHT TO ENTER PANAMA, USING WHATEVER MEANS ARE NECESSARY, TO REOPEN THE CANAL. THERE ARE NO CONDITIONS, NO EXCEPTIONS, AND NO LIMITATIONS ON THIS RIGHT. BY THE TERMS OF THE AMENDMENT, THE UNITED STATES INTERPRETS WHEN SUCH A NEED EXISTS, AND EXERCISES ITS OWN JUDGMENT AS TO THE MEANS NECESSARY TO INSURE THAT THE CANAL REMAINS OPEN AND ACCESSIBLE.

3. A GOOD DEAL OF THE DISCUSSION INVOLVING THE PANAMA CANAL TREATIES HAS CENTERED UPON THREATS TO THE CANAL WHICH MIGHT COME FROM THIRD PARTIES--MORE SPECIFICALLY--COMMUNIST COUNTRIES. WHILE THIS CONCERN IS CERTAINLY JUSTIFIED, I HAVE BEEN EQUALLY BOTHERED BY THE POSSIBILITY THAT INTERNAL PANAMANIAN ACTIVITIES MIGHT ALSO BE A THREAT TO THE WATERWAY, SHOULD WE GIVE IT UP. LABOR UNREST AND STRIKES; THE ACTIONS OF AN UNFRIENDLY GOVERNMENT; POLITICAL RIOTS OR UPHEAVALS--EACH OF THESE ALONE OR IN COMBINATION MIGHT UNCLASSIFIED

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CAUSE A CLOSURE OF THE CANAL. IN FEBRUARY, 1975, FOR EXAMPLE, THERE WAS A QTE SICKOUT UNQTE WHICH DISRUPTED THE EFFICIENT OPERATION OF THE CANAL. YET AS I READ THE TREATIES, THERE DOES NOT APPEAR TO BE ANY SPECIFIC GUARANTEE THAT A DISRUPTION OF THE CANAL ARISING OUT OF INTERNAL PANAMANIAN ACTIVITIES CAN BE SWIFTLY AND ADEQUATELY DEALT WITH.

4. ALTHOUGH GENERAL TORRIJOS HAS BROUGHT A WELCOME DEGREE OF STABILITY TO PANAMA IN RECENT YEARS, IT CAN BE ARGUED THAT THE HISTORY OF PANAMA IS ONE OF SUBSTANTIAL POLITICAL INSTABILITY AND TURMOIL. UNDER NORMAL CIRCUMSTANCES, THE UNITED STATES WOULD NOT OR SHOULD NOT CONTEMPLATE INTERVENING IN THE INTERNAL AFFAIRS OF ANOTHER NATION. HOWEVER, THERE ARE EXTREMELY UNIQUE AND SPECIAL CIRCUMSTANCES SURROUNDING THE RELATIONSHIP BETWEEN THE UNITED STATES AND PANAMA. SINCE THE BEGINNING OF THIS CENTURY, THE UNITED STATES HAS EXERCISED DE FACTO SOVEREIGNTY OVER THE PANAMA CANAL ZONE, AND HAS BEEN RESPONSIBLE FOR THE DEFENSE AND OPERATION OF THE CANAL. WE HAVE MAINTAINED THIS CONTROL OVER THE CANAL FOR ONE VERY SIMPLE REASON: THE PANAMA CANAL IS VITAL TO THE SECURITY, ECONOMIC AND MILITARY, OF

THE UNITED STATES. THIS FACT MUST BE RECOGNIZED IN ANY TREATY WHICH CONTEMPLATES A FUNDAMENTAL CHANGE IN THE AMERICAN-PANAMANIAN RELATIONSHIP.

5. THE AMENDMENT CONTAINS A VERY SPECIFIC REFERENCE TO THE USE OF MILITARY FORCE IN PANAMA. I BELIEVE THESE WORDS ARE ABSOLUTELY CRUCIAL BECAUSE THEY ESTABLISH THE AMERICAN RIGHT--WHICH I AM NOT CONVINCED IS ADEQUATELY PROVIDED FOR EITHER IN THE BODY OF THE TREATY OR THE LEADERSHIP AMENDMENT--TO TAKE MILITARY ACTION IF THE CASE SO WARRANTS. IT FURTHER MAKES IT CLEAR THAT THE UNITED STATES CAN TAKE MILITARY ACTION ON PANAMANIAN SOIL WITHOUT THE CONSENT OF THE PANAMANIAN GOVERNMENT.

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6. THE QUESTION OF CONSENT IS ALSO CRUCIAL. SINCE THE MAIN THRUST OF THIS AMENDMENT IS DIRECTED TOWARDS SITUATIONS IN WHICH THE CANAL IS CLOSED BECAUSE OF INTERNAL DIFFICULTIES IN PANAMA--DIFFICULTIES LIKE A GENERAL STRIKE, A POLITICAL UPRISING, OR OTHER SIMILAR EVENTS, THE CONSENT OF THE PANAMANIANS TO TAKE ACTION WOULD NOT MAKE SENSE. IF AMERICA IS TO HAVE ANY RIGHTS AT ALL UNDER THIS TREATY, IT MUST HAVE THE RIGHT TO ACT INDEPENDENTLY TO PROTECT THE CANAL AND TO KEEP IT OPEN.

7. I BELIEVE THAT THE QUESTION OF AN ATTACK ON THE CANAL BY A THIRD PARTY AGGRESSOR IS ADEQUATELY DEALT WITH IN THE TREATY....

8. I HOPE THE SENATE WILL SUPPORT THE AMENDMENT I OFFER TO THE RESOLUTION OF RATIFICATION PROVIDING FOR AMERICA'S RIGHT TO KEEP THE CANAL OPEN. I AM ALSO HAPPY TO ANNOUNCE THAT THE PRESIDENT OF THE UNITED STATES HAS ENDORSED THIS CHANGE, AND HAS INDICATED THAT HE BELIEVES IT TO BE A CONSTRUCTIVE STEP IN FULFILLING THE GOALS OF THE NEUTRALITY TREATY.

9. I BELIEVE I SPEAK FOR ALL SENATORS IN STATING THAT IT IS NOT OUR EXPECTATION THAT THIS CHANGE GIVES TO THE UNITED STATES THE RIGHT TO INTERFERE IN THE SOVEREIGN AFFAIRS OF PANAMA. THE UNITED STATES WILL CONTINUE TO RESPECT THE TERRITORIAL INTEGRITY OF THAT NATION. MY AMENDMENT TO THE RESOLUTION OF RATIFICATION IS PRECAUTIONARY ONLY; AND IT IS BASED ON THE LONG HISTORY OF AMERICAN STEWARDSHIP OF THE CANAL. IT RECOGNIZES THE VERY SPECIAL RELATIONSHIP THAT THE PANAMA CANAL HAS TO AMERICAN SECURITY.

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10. I CERTAINLY HOPE, MR. PRESIDENT, THAT IF THIS RIGHT IS ATTACHED TO THE TREATY IT WILL NEVER NEED TO BE EXERCISED. YET, IT IS IMPORTANT THAT THE AMERICAN PEOPLE KNOW THAT SHOULD THE NEED ARISE, THE UNITED STATES HAS SUFFICIENT LEGAL SANCTION TO ACT.

11. MR. PRESIDENT, I COMMEND THIS CHANGE TO MY COLLEAGUES AND URGE THEIR SUPPORT. VANCE

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